



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 25, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilman Paul C. Dotson
Councilman Xavier Garcia
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
Public Works Director Robert T. Williams
City Clerk Magalí Valls
Deputy City Clerk Suzanne S. Hitaffer

1. Call to Order/Roll Call

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

Curtiss Mansion, Inc.

Curtiss Mansion, Inc. (CMI) President Jo Ellen Morgan Phillips of 372 De Leon Drive stated that CMI was awarded \$1MM from the County General Obligation Bonds and \$1MM from the Metropolitan Planning Organization (MPO) and there is a \$50,000 shortfall to finalize the architectural and engineering rendering.

Ms. Morgan Phillips explained that 17% of the General Obligation Bond funds are allowed for “soft” costs and this is the reason for the shortage. CMI is in the process acquiring donations and a fundraising event is scheduled for November 3, 2007 at the Miami Springs Golf and Country Club. Architect Richard Heisenbottle has sent a letter notifying the City Manager that the \$50,000 is due four months after the final bill is rendered, which should be in 18-24 months. She felt confident that the money would be raised by that time.

City Manager Borgmann clarified the fact that \$50,000 would be due in 18-24 months and because the contract is signed by the City, the City would be responsible for the entire amount. He said that \$170,000 is available (17% of \$1MM) and the City would have to sign an agreement for approximately \$220,000. The issue is whether or not the City should sign the agreement knowing that every effort is being made by CMI to raise the additional monies.

The City Manager explained that both grants were with the City, even though CMI did all the work and completed the applications for both projects. The governmental entities in charge of the grants insisted that the contracts be with the City and not the requesting organization. This arrangement was mainly due to the fact that the City owns the property.

Ms. Morgan Phillips informed Council that there is a short timeline because the County will be recalling unused monies due to the budget shortfall and CMI would not want to lose \$1MM because of a \$50,000 shortage.

Mayor Bain stated that the next step would be for Council to approve execution of the contract with the architect, supplementing the \$50,000 shortage, pending CMI raising the funds in 18-24 months. He asked if the item would be placed on the agenda for the next meeting.

City Attorney Seiden explained that the contract with the architect had not been executed because it was agreed that the City would not be responsible for any monies. The problem is that most of the \$1MM is allocated for construction costs and there is a \$50,000 shortage that Councilman Garcia tried to acquire from the State, but it was vetoed by the Governor.

City Attorney Seiden stated that Mr. Heisenbottle has agreed that the payment would be due four months after the invoice is rendered and the reality is that the City might not have to pay if CMI is able to raise the funds. Council authorization is needed to sign the contract.

Councilman Youngs felt that it would irresponsible to lose a \$1MM grant from the County and he would like to know what the deadline is to have the contract in place. He said that the City might have to accept the risk of contributing \$50,000 to a \$3.5 MM project to restore the Mansion.

Ms. Morgan Phillips clarified that \$2MM will be used to make the Mansion weather tight and it will cost another \$2MM for interior restoration and furnishings.

Councilman Youngs commented that it is a \$4MM project, and usually the governments ask the municipalities to match funds and this project has moved along without any funding from the City. He reiterated that it would seem irresponsible to let the funding go back to the County, and that is why it is important to know the deadline to act. He is willing to schedule additional meetings in order to make a decision.

Councilman Dotson stated that he would not want CMI to lose the funds, but he would be interested in knowing when construction would begin once this issue is settled.

Ms. Morgan Phillips said that the architect promised to finalize the plans by the end of September when the work would be put out to bid and construction should begin by the end of 2007 or the beginning of 2008.

Mayor Bain recommended scheduling a Special Meeting for Monday, July 16th to consider this request and other pending items.

Vice Mayor Best added that it would be a shame to lose the funds under the circumstances. He asked if an addendum could be added to the agreement that would protect the City for \$50,000, like a promissory note from CMI.

Councilman Youngs said that it would be an unsecured note because CMI does not have \$50,000, but there could be some type of pledge agreement with CMI to raise the funds.

Council **agreed** to schedule a Special Meeting for Monday, July 16, 2007.

Ms. Morgan Phillips thanked the City's Public Works Department and Carlos Santana for their assistance with the preparations for the ground breaking ceremony.

In response to Vice Mayor Best's request, City Attorney Seiden stated that he would prepare a Letter of Undertaking for CMI to execute in good faith to raise \$50,000. CMI has acted in good faith and this is an unusual situation.

Several minutes after the initial discussion, City Attorney Seiden announced that Ms. Morgan Phillips informed him that CMI had secured \$50,000 from Mr. Joe Derry on a loan/contribution basis. He added that there is no need to hold the Special Meeting on July 16th.

Fourth of July Parade

Lily Saborit Abello of Tours Production Group, 286 Westward Drive, said that her company is very interested in the City and they want to volunteer their services for special events. She expressed her love for the City of Miami Springs, which is her home, and she would like to see the City progress further than it has in the past.

Ms. Abello feels very strongly that the community must unite together and support their neighborhood. She spoke with the Starbucks Coffee Manager who told her that they are planning their grand opening party on the Fourth of July, which is great idea. She began thinking about the route of the Fourth of July parade and had the idea of re-routing the parade to make it a centralized effort by starting at the incoming bridge, going around the Circle, down to the Golf Course and ending at the Circle where the Classic Car Show and festivities would be held.

Mayor Bain advised Ms. Abello that he would contact her to discuss some of his ideas for future events.

5. Approval of Council Minutes:

5A) 06/11/2007 – Regular Meeting

Minutes of the June 11, 2007 Regular Meeting were approved as written.

Vice Mayor Best moved to approve and Councilman Garcia seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 06/06/2007 – Architectural Review Board – Minutes

Minutes of the June 6, 2007 Architectural Review Board meeting were received for information without comment.

6B) 06/14/2007 – Board of Parks and Parkways – Minutes

Minutes of the June 14, 2007 Board of Parks and Parkways meeting were received for information without comment.

6C) 06/28/2007 – Code Review Board – Cancellation Notice

Cancellation Notice of the June 28, 2007 Code Review Board meeting was received for information without comment.

6D) 08/06/2007 – Board of Adjustment – Rescheduling Notice

Rescheduling Notice of the August 6, 2007 Board of Adjustment meeting was received for information without comment.

6E) 09/03/2007 – Board of Adjustment – Rescheduling Notice

Rescheduling Notice of the September 3, 2007 Board of Adjustment meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda: (8A and 8B were simultaneously approved)

8A) Recommendation that Council Waive the Competitive Bid Process and Approve an Additional Expenditure not to Exceed \$25,500 to AMA Consulting and Construction (AMA) for City-wide Roofing and Building Inspection Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Borgmann read the titles of the consent agenda items.

City Manager Borgmann stated that the expense is related to roofing and building inspection services, which is covered by the permit fees that are collected.

Councilman Dotson moved to approve and Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve the Utilization of Law Enforcement Trust Funds for the Cash Match Expenditure for the FY 2008 Byrne Grant.

City Manager Borgmann explained that the 25% match represents \$1,468.00 and 75% will be paid from federal funding of \$4,405.00 for a total grant of \$5,873.00. Funding will fall under the record improvement section of the grant to pay for scanning of paper records into the optical imaging system that was purchased with last year's grant monies.

Councilman Dotson moved to approve and Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote

City Attorney Seiden read the title of the resolution:

“Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the City’s Application for a Matching Grant for the Police Department From the Fiscal Year 2007 Byrne Memorial Formula Grant Program; Authorizing the Use of Law Enforcement Trust Funds for Matching Fund Purposes; Authorizing the Proper Officials and Officers of the City and the Police Department to Execute All Required Grant Documentation; Authorizing the Expenditure of Grant Funds by the Police Department; Effective Date”

Councilman Garcia moved to adopt the resolution and Vice Mayor Best seconded the motion, which carried unanimously on roll call vote (Resolution No. 2007-3363).

9. Old Business:

9A) Appointment to the Ecology Board by Mayor Bain to Fill an Unexpired Term Ending on April 30, 2009 (Joe Podgor’s seat)

Mayor Bain **deferred** his appointment.

9B) Appointment to the Golf and Country Club Advisory Board by Mayor Bain for an Unexpired Term Ending on July 31, 2007 (Noel Pereda’s seat)

Mayor Bain **deferred** his appointment.

9C) Appointment to the Recreation Commission by Mayor Bain for a Full 3-year Term Ending on April 30, 2010 (Roger Del Rio’s seat)

Mayor Bain **appointed** Cheryl Mulet to the Recreation Commission for a full 3-year term ending on April 30, 2010.

9D) Appointment to the Civil Service Board by Councilman Garcia (Group III) for an Unexpired Term Ending on June 30, 2009 (Roslyn Buckner’s seat)

Councilman Garcia (Group III) **deferred** his appointment.

9E) Appointment to the Ecology Board by Councilman Youngs (Group IV) for a Full 3-year Term Ending on April 30, 2010 (Donna Dawson's seat)

Councilman Youngs (Group IV) **deferred** his appointment.

9F) Appointment to the Education Advisory Board by Vice Mayor Best (Group I) for a Full 2-year Term Ending on May 31, 2009 (Cheryl Mulet's seat)

Vice Mayor Best (Group I) **appointed** Dr. Karen Williams to the Education Advisory Board.

Councilman Garcia referred to a memorandum from the City Attorney advising that there are some boards that allow members to maintain dual Board membership.

9G) Appointment to the Education Advisory Board by Councilman Dotson (Group II) for a Full 2-year Term Ending on May 31, 2009 (Christina Shapiro's seat)

Councilman Dotson (Group II) **appointed** Debra Sheridan to the Education Advisory Board for a full 2-year term ending on May 31, 2009.

9H) Appointment to the Education Advisory Board by Councilman Garcia (Group III) for a Full 2-year Term Ending on May 31, 2009 (Eduardo Molliner's seat)

Councilman Garcia (Group III) **re-appointed** Eduardo Molliner.

(Agenda Items 9J, 9K, 10A, 11A, and 11B were considered at this time)

9I) Water and Sewer Transference from the City of Miami Springs to the Miami-Dade County; Presentation of Comparative Financial Analysis of the Transfer vs. the Cost of the City Retaining the System

City Manager Borgmann stated that in addition to George Rodriguez who attended the last meeting, Diane Camacho, Vincent Arrebola, and James Saren were present from the Miami-Dade County Water and Sewer Department (WASA).

City Manager Borgmann explained that the Administration provided documentation showing where the City stands today and what is expected in the future as far as additional costs and repairs if the City were to keep the water and sewer system. He explained that the County generated numbers as part of their due diligence, which Staff heavily relied upon. The estimate of \$19.7MM would eliminate the bond debt, repair sewer lines, change out water meters, and pay for additional repairs along N. W. 36th Street for fire flow.

City Manager Borgmann referred to the report from the County's consulting engineers that included an estimate for repairs to the water system, which raised the total cost of the project to \$36MM over the next twenty years.

Mr. Borgmann stated that George Rodriguez would be able to answer questions regarding the water system, and James Saren would answer questions related to the sewer system. He added that Finance Director William Alonso provided several graphs showing how the cost would impact the residents. Attachment 7 is a comparison of June 2006 to June 2007 sewer log readings. He noted an increase in rainfall this year and that the groundwater table last year was hovering around zero. The high ground water level increases the inflow and infiltration (I/I). Last June, the City disposed of 81,400,000 gallons of sewage with seven inches of rain, compared to 152, 046,000 gallons to date this June with over one foot of rain. Last June the City paid \$158,744.00 for sewage disposal compared to \$251,396.00 this year as of June 21st.

City Manager Borgmann said that considering the numbers and how much was spent in the last couple of years for night flow testing, television work, and approximately \$1MM for sleeving, there does not seem to be any pay back on the repairs. The repairs may have worked in the respective areas, but they did not help to solve the overall problem. On June 15th, the flow was 8,968,000 gallons and the City purchases 2,500,000 to 3,000,000 on an average day.

Councilman Youngs stated that it is dismaying that the sewage flows have increased in spite of all the improvements that were made. He commented that it is a significant economic impact.

Finance Director Alonso presented an updated sewer log as of June 25, 2007, showing additional sewer flows. The projected cost for June 2007 is \$356,000, which depends on the readings between now and the end of the month, which is almost \$200,000 more than June 2006. He explained that there is no way to project the amount of flow.

Councilman Dotson stated that the City does not have the facilities to find out where the problems are until long after the fact when the studies are conducted.

Finance Director Alonso explained that the sewer system repairs had been focused on sleeving and televising the sewer lines, but the laterals had never been addressed. The City has 4,000 laterals and the cost to repair each one ranges from \$1,500 to \$3,000, which amounts to millions of dollars.

To answer Councilman Youngs' question, City Manager Borgmann clarified that the City is responsible for the main pipe up to the first clean out, which is on the inside of the sidewalk and the homeowner is responsible for the line from the house to the sidewalk.

James Saren of 861 Falcon Avenue stated that the homeowner is responsible for blockages from the house to the street. Historically, most problems are at the point of connection from the lateral to the main, most commonly root intrusion, which is a source of I/I. The County considers the point of connection to be the responsibility of the homeowner, not the County. The homeowner is responsible for stoppages from the house to the main, unless there is a defect in the public right-of-way, and in that case the County makes the repair and reimburses the homeowner for any plumbing bills incurred.

To answer Councilman Dotson's question, City Manager Borgmann explained that the main line is a large pipe that runs the length of the street in the swale. The lateral runs from the home and hooks into the main line. There is a clean out at the sidewalk and the next clean out is by the house.

Councilman Dotson asked who would be responsible for the distance from the second clean out to the main in the street.

Mr. Saren stated that the homeowner would be responsible for a simple stoppage and the County is responsible if there is a defect in the public right-of-way from the second clean out to the street. The homeowner is responsible for root intrusion at the point of connection at the second clean out.

Public Works Director Robert Williams verified that the City has the same policy as the County related to the responsibility for blockages.

To answer Councilman Youngs' question, Mr. Saren said that there is a strong possibility that the laterals are the source of the current I/I problems because the sewage flows spike when there are rain events.

Mr. Saren stated that a break in a line could cause a flow spike in the dry season. In this case, the County would perform a flow isolation study, which narrows down the area from manhole to manhole, a T.V. inspection is done, the necessary repairs are made and the utility company that broke the line is charged.

Mayor Bain commented that it is difficult to find the problem unless the technology and manpower is available. He said that it seems the City only has enough revenue to make repairs to patch the system, which is deteriorating because of age.

Councilman Garcia asked how much the City spends annually for repairs.

City Manager Borgmann said that the City spends a minimum of \$200,000 annually for repairs as required by the bond. When there are certain flow spikes, that is an indication of a problem and the City is always behind because it does not have the equipment or the personnel to have a continuing program.

To answer Councilman Youngs' question, City Manager Borgmann stated that if the County were to take over the system, their estimate to upgrade the system to their standards is \$19.7MM, which is basically sewer work except for \$3.4MM to change out the water meters and fire flow improvements.

Finance Director Alonso explained that the repairs total \$13,249,000, less \$1,500,000 for the GOB funds and the total assessment is actually \$19,684,568.

Mayor Bain stated that the County proposal to take over the system is \$19,684,568, but there is a possibility that if the City continues to maintain the system it could incur additional costs during that time period due to new regulations.

Councilman Youngs commented that Attachment 8 indicates that the County engineering report recommends \$29.2MM for water line replacements.

Finance Director Alonso clarified that the engineering report calls for replacement of water lines to 8-inch lines, which is a total cost of \$29.2MM and the County is only assessing the City for \$4.8MM. He added that the \$24.4 million would be paid at some point either by the County if they take over the system or by the City.

City Manager Borgmann stated that former Public Works Directors have reported to past Councils the poor condition of the water lines when repairs are made and it must be assumed that all the lines are deteriorating in a similar fashion.

Councilman Dotson asked if the replacement of the 2-inch and 4-inch water lines is something that is necessary for the City to do in the future in order to be compatible with the County system. He said that it could be very expensive for a small City if this is mandated.

Mr. Rodriguez responded that if the City were to keep the system, it would be facing a similar problem with the water lines. The pipes are corroding and there will be a time in the future when the City would have to invest funds for replacement. He said that the estimate for the County to replace all their 2-inch and 4-inch lines is hundreds of millions of dollars, which they do not have and a certain amount of funds are appropriated every year to work on the pipes as the need arises.

Mayor Bain asked if the water line replacement would become a requirement in the future due to the water shortage.

Mr. Rodriguez said that water line replacement could become a water conservation matter or an economic issue due to water that is lost compared to water that is purchased, which is currently estimated at 14%. He reiterated that the City must plan to replace the aging pipes because there will be a time when it will not be economical to lose that amount of water. Mr. Rodriguez clarified for Councilman Dotson that it has nothing to do with the pipes being compatible with the County system.

Vice Mayor Best asked if the County were to take over the system if they would matrix a repair program in terms of replacing the mains and laterals based on their initial inspection.

Mr. Rodriguez responded that the County addresses customer complaints regarding low pressure and the individual lines that provide water to a certain block in the system are evaluated. There is a program in place to replace the old 2-inch lines with the 8-inch lines and the amount of funds dedicated for line replacement is only enough to keep up with the complaint areas.

Mr. Rodriguez stated that the County is conducting a major study on the laterals in collection areas with high peaks during heavy rains. The average flows have gone down significantly, but when there is a heavy rain the flows triple or quadruple.

To answer Vice Mayor Best's question, Mr. Saren stated that the County would conduct a sanitary sewer evaluation study targeted in a specific area with a night flow survey. The areas with the highest night flow would be televised and smoked to identify the largest leaks that would be repaired first.

Councilman Dotson mentioned that the Finance Director's report indicates the City would take on new debt in 2008 if it keeps the water and sewer system.

Finance Director Alonso stated that assuming the City maintains the system, making the repairs that the County engineers estimated to be \$13MM the City would have to borrow \$11.5MM. In 2008, the City could go out for a bond issue and borrow the funds for the repairs over a three year period. He extended the debt service payments for the \$11.5MM over twenty years so that it would show what effect it would have on an annual basis.

Councilman Dotson commented that the cost for the replacement of water pipes is in the \$4MM range in addition to borrowing \$11.5MM in 2008, and the operation does not contribute to the General Fund.

Finance Director Alonso explained that a utility reserve was not set up in prior years and now the City is paying the consequences. He cautioned Council that the \$11.5MM projection is only a start, and it does not include other expenses the City could incur.

Councilman Dotson emphasized that he would like to have enough information to compare the two alternatives. He asked if there are any positive aspects to the City maintaining the system.

Finance Director Alonso stated that the final decision would not be based on finances. He said that the rates will continue to go up every year and the residents must decide if they are willing to pay for the level of service. Some cities have different rates for residential and commercial service and they are able to make a profit, but Miami Springs is 85% residential and the residents bear the major portion of the expense.

To answer the Mayor's question, Finance Director Alonso said that in comparing the City and County rates, the average customer using 5,000 gallons per month would save approximately \$307.00 annually, less the revenue loss to be made up to the General Fund of \$112.50, the net savings would be \$194.53 or \$16.00 per month. His question is how the City would make up the \$450,000 revenue loss to the General Fund, either by a special assessment or raising the millage.

Councilman Dotson asked what comprises the \$310,000 annual administrative fee.

Finance Director Alonso responded that every year the enterprise funds are charged an administrative fee involving the time spent by various departments. He added that two cashiers would be removed in the Finance Department.

Councilman Youngs said that the City would have offsetting reductions in expenses and the question is how much.

Vice Mayor Best referred to the chart showing the calculation of average savings for all residents.

Finance Director Alonso explained that he broke down the number of customers in each range and calculated the savings for the entire City, which is \$670,000.

Diane Camacho, Assistant Director of Finance for WASA stated that the County has a significant capital program and everyone's rates will be increasing over time. The department is increasing retail rate by CPI index for utilities for maintenance and operations. As the need arises to sell bonds to finance alternative water supply programs, the rates will increase more than the CPI index. The County Board will implement the rate increases in a gradual fashion.

To answer Vice Mayor Best's question, Ms. Camacho responded that the County would certainly be impacted by the property tax roll back. She could not say whether or not it would affect the agreement between the City and the County for the transfer of the system. The Water and Sewer is an enterprise fund and the County officials are still working on the numbers.

Mayor Bain stated that there is no question about the water and sewer rates increasing regardless of whether or not the City keeps the system. He explained that if the City keeps the system the financial burden will fall on the residents to maintain the system in the future beyond twenty years.

City Manager Borgmann clarified that the County estimated \$19.7MM, which the residents of Miami Springs would be responsible to pay for in addition to the base rates, plus the debt service to cover \$19.7MM. Any increases would be the same increases that are passed on to all retail customers.

Finance Director Alonso answered Councilman Dotson's questions regarding depreciation of the water and sewer system infrastructure. He added that the County engineering report placed a value on the entire water and sewer system of \$9.1MM, net depreciation.

City Manager Borgmann asked Mr. Saren to respond to questions that were raised about response time and level of service.

Mr. Saren stated that response time would be approximately one hour for either water or sewer calls. He felt that the level of service would be comparable once the employees become familiar with the area because they have a facility at 3625 N. W. 10th Avenue and they also service Doral.

To answer the City Attorney's question, Ms. Camacho said that the County Board would need an agreement signed and approved by the City.

City Attorney Seiden explained that the City could schedule the required hearings, and a decision could be made, subject to the execution of an Interlocal Agreement, and the matter would then go to the County Commission.

Discussion ensued regarding the timeframe for the transfer of the system once an agreement is approved.

City Manager Borgmann stated that by law there must be a finding by Council and the Board of County Commissioners that the transfer of the system is in the best interests of both the City and the County.

To answer Councilman Garcia's question, City Attorney Seiden explained that the City is required to hold a public hearing to allow public input either for or against the transfer of the system before making a final decision. After that, the County would be notified to press forward with the preparation of the Interlocal Agreement.

Councilman Dotson asked the County representative to clarify the amount a homeowner would be charged for clearing a blockage.

Mr. Saren stated that the property owner would be assessed \$125.00 Monday through Friday and \$175.00 on holidays and weekends. If the problem is deemed to be a problem in the public right-of-way the fee would be waived and they would be reimbursed for any plumbing bills.

Councilman Garcia asked the Administration to prepare a flyer with facts and information regarding the transfer of the system that could be placed on the website prior to the public hearing.

City Manager Borgmann commented that another factor to consider is that the City employs twelve individuals in the water and sewer division that are available to clean up after hurricanes and other events. The employees that stay with the City will move to other divisions or vacant positions.

To answer the Mayor's question, City Manager Borgmann said that he and Finance Director Alonso would prepare a draft for Council review listing the pros and cons of transferring the water and sewer system to the County.

Vice Mayor Best inquired how the transfer of the water and sewer system would affect the City's bond rating.

Finance Director Alonso explained that the City is rated every year because of the General Obligation Bond and the Water and Sewer Revenue Bond, and the transfer of the system would not have any effect on the General Fund because the debt is associated with an enterprise fund.

By consensus, Council **directed** the Administration to move forward and schedule a public hearing per the requirements of Florida State Statutes §180.301 for the first meeting in August.

9J) Presentation of Phase II Engineering Report of the Gym

City Manager Borgmann stated that the engineering report is complete but it had not been reviewed by the engineer. He hopes to receive a draft on Tuesday, June 26th and it could be placed on the agenda for the Special meeting in July, if necessary.

The item was **tabled** pending Council's review of the engineering report. Council discussed the possibility of scheduling a Special Meeting for Monday, July 16th, but no decision was made.

9K) Report Regarding Tax Reform Legislation

City Manager Borgmann advised Council that Staff is working on calculations based on the recent legislation passed during the Special Session in Tallahassee.

9L) Discussion of Historic Preservation Board Minutes Regarding Hybrid Designation of the Golf Course

City Manager Borgmann stated that this item was tabled from the last meeting when Councilman Garcia was not available to participate in the discussion and express his opinions.

Councilman Garcia said that his appointee to the Historic Preservation Board keeps him well informed. He is aware of how the Board members feel because they have the confidence to lobby their opinions on the issue.

Councilman Garcia stated that he agrees with the majority of the Historic Preservation Board members who feel that it is very important to move forward with the hybrid designation.

Vice Mayor Best asked if the hybrid designation would diffuse the entire issue.

Councilman Garcia felt that the hybrid designation would not diffuse the entire matter because there are some people who want a full designation with all the restrictions. If the Golf Course is recognized as historic and the City is able to succeed with obtaining grants, this might quiet some of the critics who want a full designation. He would like the Golf Course to be fully designated, but he does not want restrictions on one of the City's largest assets. Council is trusted by the people to make the decisions related to the Golf Course.

City Attorney Seiden stated that the Historic Preservation Board members tried to find a middle ground upon which the Golf Course could be designated and they deserve credit for their effort. The ramifications, limitations and restrictions were fully discussed and the arguments still exist because it is an issue upon which people can agree or disagree. He added that this would be the first hybrid designation.

Councilman Dotson referred to information that was disseminated to Council showing eight Golf Courses that are currently designated in the Country. He said that there are many designated Golf Courses that can be found through the United States Golf Association (USGA).

Councilman Dotson mentioned that claims were made that Council would lose control of the Golf Course if it were designated. The City Attorney has clarified the point that there are other protections for the Golf Course through the Charter provisions that require a 4/5 vote of Council and a vote of the people to sell the land. The designation effort is not primarily to protect the Golf Course; it is an effort to recognize a historical element that is very important to the City.

Councilman Dotson commented that the Golf Course has cultural roots in the City and it involves quality of life because it has an enormous amount of green space. He said that the City had existed for 82 years, which is almost the same number of the years that the Golf Course has been in existence. The Golf Course has been owned by another government entity for all that time, except for the last ten years and there has never been a need to convert the Golf Course to a different operation in order to salvage the financial stability of the City.

Councilman Dotson referred to Code of Ordinance §153.14 (9) that states no action of the Historic Preservation Board will supersede or be construed as superseding the authority of the Council. He said that Council has the final authority over the Golf Course and the members of the Historic Preservation Board are appointed by Council so if there were an extreme emergency, Council would have control.

Councilman Dotson stated that the City Attorney's opinion is that a hybrid designation would be a designation in name only and not likely to generate grants. The Historic Preservation Board members are doing what they feel is right for the community and people should understand the history of the Golf Course and what it means to the City. He emphasized that the Golf Course merits a full designation.

Mayor Bain felt that Councilman Dotson's position was understood and well taken. The Historic Preservation Board voted 4-1 for the hybrid designation and their decision was based on what they feel is in the best interest of the community and the Golf Course.

Councilman Dotson was of the opinion that the Historic Preservation Board members believed that a hybrid designation was the only alternative because their recommendation for a full designation had failed twice before with previous Councils. Their duty is to focus on the historical merit of the property, not political or financial considerations.

Councilman Garcia moved to direct the City Attorney to prepare the appropriate legislation. Councilman Youngs seconded the motion which was carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote.

9M) Council Consideration of Request from Doctor José E. Gamez, M. D., to Locate a Psychiatric Consultation Office at Fair Havens Nursing Home, 201 Curtiss Parkway

City Planner Richard Ventura stated that a request was received from Dr. José E. Gamez, M. D. to locate a psychiatric consultation office at Fair Havens Nursing Home, 201 Curtiss Parkway. The land use designation of the property is currently Medical/Residential that allows nursing homes and similar facilities for long-term medical care in a residential environment.

City Planner Ventura said that Dr. Gamez is proposing a staff of two personnel and he will be treating five to six patients per week, including Fair Havens residents and outside clients, with the majority being Fair Havens residents.

City Planner Ventura stated his only concern is the parking situation around Fair Havens. He researched Code §150-016 for parking and compared the requirements with the existing parking at Fair Havens. They presently have 160 rooms, 90 spaces would be required per Code and they presently have 46 spaces. He recommended approval of the request from Dr. Gamez based on the fact that the majority of his patients would be from Fair Havens.

City Attorney Seiden mentioned that Habitat for Humanity decided to opt out of their proposal with Miami Springs. He asked Council if they wished to go forward with updating the ordinance for P-2 Church District or leave it alone. By consensus, Council agreed to leave the ordinance alone.

City Attorney Seiden said that City Planner Ventura's recommendation to amend the Comprehensive Plan is not really necessary. He explained that the City Planner, on behalf of Dr. Gamez, is requesting Council authorization and acknowledgment that this would be an approved use within the Medical/Residential district, which does not have district boundary regulations. This is the only property within that district and the City Planner will have to promulgate basic district boundary regulations with permitted and non-permitted uses.

City Attorney Seiden clarified that the City Planner is requesting Council to approve this use for the facility under the present designation.

To answer the Mayor's question, City Attorney Seiden said that other doctors would be allowed to come in unless Council limits the use.

Mayor Bain said that he would be inclined to approve the use with the condition that the number of doctors is limited.

To answer Council's question, Dr. José Gamez of 7100 West 20th Avenue, Suite 403, Hialeah, stated that currently Fair Havens does not have a resident doctor with an office at the facility.

Councilman Dotson said that if the use were limited to one doctor, that ideally it should be a general practitioner who is trained to handle medical emergencies.

Dr. Gamez responded that he is trained for rescue and medical treatment of emergencies.

City Attorney Seiden advised Council that they could approve the use with certain restrictions that would be formulated into the district boundary regulations as they are produced.

Councilman Youngs stated that it would be a limited use largely for the residents at Fair Havens and it falls within the category of nursing homes and similar facilities for long term medical care in a residential environment.

Mayor Bain said the reason for limiting the use to one doctor would be to maintain Fair Havens as an assisted care facility for the elderly, not a medical center.

Councilman Youngs suggested limiting the number of doctors with a condition that the majority of the practice is primarily for Fair Havens' residents.

Councilman Garcia questioned how the patients would be regulated because the City would have no control over how many are from Fair Havens.

City Attorney Seiden stated that it would be similar to approval of an alcoholic beverage license that requires 51% of the revenues to be generated from food and the City could audit the license.

Councilman Garcia explained that residents who live around Fair Havens are already irate about vehicles parking in the neighborhood and he would not be inclined to approve any use that would increase the number of cars.

Dr. Gamez stated that the residents of the nursing home have different medical insurance companies. Medicare does not allow the treatment of psychiatry in the nursing home and the patients must go to a doctor's office.

City Attorney Seiden said that none of the residents at Fair Havens drive and there could be an audit of the actual number of employees that utilize parking and the number of available spaces in order to make a fair assessment.

Councilman Garcia reiterated his concern about the parking and the request for this type of service.

Dr. Gamez clarified that he had been consulting with patients at Fair Havens since 1993, and now there is difficulty with certain insurance companies in covering the treatment that they need. He will be renting space in the facility.

To answer Councilman Dotson's question, Dr. Gamez stated that parking is allocated for doctors and there is always parking available.

Councilman Youngs suggested that in the future the City could require Fair Havens to designate the vacant property as a parking lot.

Councilman Garcia stated that most of the people who are parking in the swales in the neighborhood are employees of Fair Havens and he would not approve the request from Dr. Gamez unless Fair Havens is willing to provide more parking.

Mayor Bain noticed that Fair Havens has a vacant area available for parking and cars are still parking in the neighboring swales. He felt that the doctor's intentions are good but that Fair Havens had not been a good neighbor by cooperating with the City in regard to parking and the ongoing air conditioning noise.

Councilman Garcia reiterated that he would not vote in favor of the request due to the problems with Fair Havens.

To answer Councilman Youngs' question, Dr. Gamez stated that he normally sees five or six patients per week or 20-25 per month who live at Fair Havens.

Councilman Youngs stated that he would approve the use because it would be a minimal impact, but that he would like the City to be aggressive by addressing the parking issue.

City Attorney Seiden clarified that the more important issue is how many patients Dr. Gamez would treat from outside Fair Havens.

Dr. Gamez estimated that he would treat one outside patient per week. He said that some patients are seen once every eight or ten weeks.

Councilman Youngs moved to approve the allowed use, subject to the condition that 51% of the patients are Fair Havens' residents and only one doctor is allowed per zoning category. Vice Mayor Best seconded the motion which was carried 4-1 on roll call vote with Councilman Garcia casting the dissenting vote.

Councilman Youngs would like the City Manager to ask Code Compliance to address the parking situation in the area.

City Manager Borgmann stated that parking is regulated by Code Compliance and the Police Department. He explained that if cars are parking on the Fair Havens' property they should be required to improve the area south of the building with drainage, lighting, landscaping, etc.

Mayor Bain asked if Fair Havens could be required to provide the 90 spaces as regulated in the current code.

City Attorney Seiden said that it would depend on when the code provision went into effect. If there is a legally conforming use with the amount of parking spaces that Fair Havens had at the time it was developed, even if the regulations increased over the years, they would not be required to build more parking.

Assistant City Manager Gorland stated that the Director at Fair Havens was advised about the parking and the new swale ordinance. He said that residents are being aggressive by leaving notes on cars, the Director is very sensitive to the matter and he requested a copy of the ordinance.

Assistant City Manager Gorland explained that all complaints have been processed, the major offenders were visitors to the facility and the Director believes that he has corrected the problem with the employees. He felt that Fair Havens should improve the vacant property for parking since it is an issue.

Councilman Garcia emphasized that he would like to know what the zoning is for the property behind Fair Havens along Reinette Drive and whether or not parking is allowed.

City Attorney Seiden stated that it would depend on when the property was acquired. The property where Fair Havens is located was previously zoned R-3C before it was changed to Medical/Residential and most likely that section is in the same category.

City Manager Borgmann said that the City Planner checked the old zoning map and the property was zoned R-1B. He will check to see how the property was zoned in the Comprehensive Plan future land use map.

10. New Business:

10A) Appointment to the Civil Service Board by Councilman Youngs (Group IV) for a Full 3-year term ending on June 30, 2010 (Félix D. Pérez' seat)

Councilman Youngs (Group IV) **deferred** his appointment.

11. Other Business:

11A) Scheduling of Special Meeting on Thursday, July 26, 2007 at 5:01 p.m. to Set the Millage Rate

By consensus, Council **scheduled** a Special Meeting for Thursday, July 26, 2007 at 5:01 p.m. to set the tentative millage rate.

11B) Scheduling of Budget Workshop Meetings on Monday, August 6 and Monday, August 20, 2007

By consensus, Council **scheduled** Budget Workshop Meetings on Monday, August 6 and Monday, August 20, 2007.

Discussion ensued about scheduling a Special Meeting for Monday, July 16th to review the engineering report for the gym, but no decision was made.

City Manager Borgmann explained that he would provide Council with a copy of the report and Council could request a Special Meeting if necessary.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Fair Havens Noise Problem

Assistant City Manager Gorland reported that he was advised by the Director of Fair Havens that a proposal for a special engineered blanket from Trane to block the air conditioner noise was approved and a purchase order will be issued for the installation, which should be reasonably soon.

Classic Car Show/Fourth of July Parade/Festivities

City Manager Borgmann polled Council to see who is participating in the parade and will need a convertible car.

The City Manager announced that the Classic Car Show would be held at the Circle on Tuesday, July 3rd from 6:30 to 10:30 p.m. with free admission and local businesses and restaurants will be open.

City Manager Borgmann reported that the parade kicks off from the Recreation Center at 10:00 a.m. on July 4th, continues down Westward Drive to the Circle and Curtiss Parkway to the Golf Course. Festivities continue from 11:00 a.m. to 2:00 p.m. with bounce houses, water slides and food provided by the Optimist Club. The Concert on the Green with the Lu White Band will begin at 7:30 p.m., Carlos Santana will provide food and the national Anthem will be the last song before the fireworks commence at 9:00 p.m.

City Manager Borgmann added that the Grand Marshal of the parade is local radio disc jockey Rick Shaw who is celebrating his retirement after 50 years in the business and has always been a great friend to Miami Springs.

Starbucks Coffee

City Manager Borgmann announced that Starbucks Coffee is now open.

Little League Playoffs

City Manager Borgmann mentioned that the City is hosting more than 41 Little League District playoff games through mid-July, even though the City of Doral is the official host.

Mayor Bain complimented the Recreation Department Staff for their assistance on opening day. He thought that only two games would be involved and it turned out to be 41 games.

City Manager Borgmann said that Staff worked together to coordinate the plans and take care of everything.

Mark Malatak

City Manager Borgmann thanked the Mayor for remembering former Finance Director Mark Malatak during the invocation. He reported that the funeral arrangements would be held at Forest Lawn South in Broward County on Wednesday, June 27, 2007. The viewing is 4:00 to 7:00 p.m. and the service is 7:00 to 8:00 p.m.

12C) City Council

Little League Playoffs

Vice Mayor Best said that Little League organizations normally host one portion of a tournament and it is unusual for a City to host 41 games, which is a credit to the Recreation Staff.

Mayor Bain explained that the tournament is based on a point system and the teams with the most points advance, which is an opportunity for the kids to play more games.

Dick Bergen

Vice Mayor Best recommended honoring Dick Bergen for his help with public events during the 4th of July parade. He suggested that a proclamation could be read by the Mayor and an announcement by Grand Marshal Rick Shaw could be recorded and presented to Mr. Bergen at the hospital.

July Recess

Vice Mayor Best wished Council a good summer recess.

Deer Run Barricade

Councilman Dotson requested a progress report on the Deer Run barricade.

The City Manager explained it would be easy to block the east side, but the west side is private property with an open area that is more difficult to screen in order to keep people from going around the barricade.

Mayor Bain suggested that the street could be barricaded behind the Shell gas station on Fairway Drive.

City Manager Borgmann explained that he was trying to allow access for the apartments behind the gas station.

Councilman Dotson asked the City Manager to keep him informed.

Dick Bergen

Councilman Dotson reported that he visited Dick Bergen in the hospital and he was in great spirits. He said that Mr. Bergen is interested in the July 4th Parade and he expressed his opposition at the suggestion of being honored.

Councilman Dotson said that Mr. Bergen asked for the City Manager to authorize two people to carry a banner in the parade memorializing the late Jesse Thrash who had been Uncle Sam for many years. He said that Mr. Bergen asked him to convey his best wishes and he hopes to be able to work on next year's parade.

Dick Bergen

Councilman Garcia echoed the sentiments in reference to Dick Bergen who is a wonderful man. He volunteered his company's services to print a full color parade banner to recognize Jesse Thrash.

Police Department

Councilman Garcia reported that he rode with the Police Department, which helps in the decision making process because he is able to see what happens in the City. He explained that the officers were very appreciative of the fact that Council had considered the issue of take home cars.

Public Works

Councilman Garcia requested permission to ride with Public Works within the next two months.

Autistic Swim Program

Councilman Garcia was happy to receive notice about the certification of life guards for the autistic swimming program, which he strongly supports. He requested additional information.

City Manager Borgmann said that he contacted the Dan Marino Foundation who responded that they would like to participate in the program. He introduced Robin Ramos who founded the autistic program and has an autistic child.

Councilman Garcia complimented Ms. Ramos for doing a wonderful job in founding "Faith's Place" and creating public awareness about the autistic program.

City Manager Borgmann recognized Swim Coach David Rodriguez who was in the audience.

Ms. Robin Ramos stated that the City Staff had been very supportive, especially Aquatics Coordinator Noel Acosta. She encouraged people to watch the program at the pool on Monday, Wednesday and Friday, from 12:00 to 1:00 p.m.

Prince Field Tot-Lot

Councilman Garcia inquired about the closure of the “Let’s Build It’ Tot-Lot at Prince Field.

Assistant City Manager Gorland reported that the wood is being sealed. One side is complete, the remaining portion will be sealed on a dry day when there is no rain, and the Tot-Lot will be closed until the following day.

Code Enforcement Board

Councilman Garcia reported that the Code Enforcement Board made a recommendation to send out a bilingual notice in the utility bills before hurricane season informing the public about tree trimming regulations. He said that people are beginning to prepare their homes for hurricane season and some have said that they were not aware of the regulations.

Starbucks Coffee

Councilman Garcia welcomed Starbucks Coffee to the Circle, which will open from 6:00 a.m. to 9:00 p.m. He said that the store manager has agreed to open at 5:00 a.m. if there is a demand and they are educating the public about the parking in the back.

Fourth of July

Councilman Garcia wished everyone a Happy Independence Day. He hopes to see everyone at the parade.

Recreation Needs Assessment

Councilman Youngs inquired about the progress of the Recreation Needs Assessment Survey.

City Manager Borgmann said that he requested input from Council. There were a few questions related to swimming and golf that were missing from the survey and it is being put into final form. He urged Council to call him with additional comments by the end of the week.

Fourth of July

Councilman Youngs wished Council a Happy Fourth of July.

Fourth of July

Mayor Bain wished everyone Happy Fourth of July. He advised Council to wear sunscreen and drink plenty of water.

Mel Johnson of 109 South Royal Poinciana Boulevard stated that there are a number of disappointed residents because Karaoke had been canceled for the last three Friday nights. He is circulating a petition for people to sign who are unhappy about the cancellation.

City Manager Borgmann clarified that under the terms of the contract with Mr. Santana, Karaoke was cancelled due to the fact that it was a financial burden and Finance Director Alonso reviewed the numbers to verify that it was losing \$1,000 per month.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:17 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 8/13/2007

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.